

THE WHITE HOUSE

WASHINGTON

June 2, 2005

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

SUBJECT: Strengthening Information Sharing, Access, and Integration - Organizational, Management, and Policy Development Structures for Creating the Terrorism Information Sharing Environment

The Federal Government collects information pursuant to law for many purposes, including to protect the Nation against international terrorism and other threats to the Nation's safety and well-being. The Federal Government faces great challenges in ensuring timely, effective, and lawful collection, processing, analysis, and dissemination of such information. It is of particular importance to ensure that Federal agencies have appropriate access to the information they need to perform their homeland security, diplomatic, defense, foreign intelligence, and law enforcement functions, and that State, local, and tribal authorities have appropriate access to the information they need to perform their homeland security functions. Ensuring appropriate sharing and integration of and access to information, while protecting information privacy rights and other legal rights of Americans, remains a high priority for the United States and a necessity for winning the war on terror.

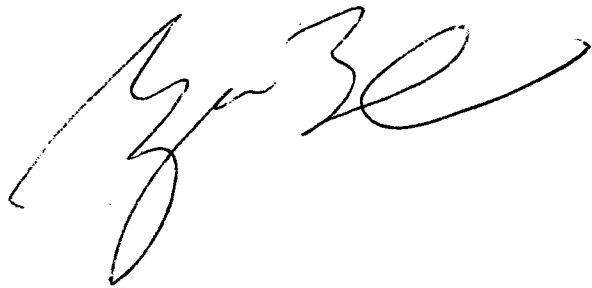
Section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458) (IRTPA) calls for the creation of an "Information Sharing Environment" to provide for Federal, State, local, and tribal access as appropriate to terrorism information and for the designation of a program manager "responsible for information sharing across the Federal Government." Section 1016 supplements section 892 of the Homeland Security Act of 2002 (Public Law 107-296), and Executive Orders 13311 of July 29, 2003, and 13356 of August 27, 2004, and other Presidential guidance, which address various aspects of information access. On April 15, 2005, I designated the program manager (PM) consistent with section 1016(f) of IRTPA, and on April 21, 2005, my memorandum entitled "Effective Dates of Provisions in Title I of the Intelligence Reform and Terrorism Prevention Act of 2004" placed section 1016 in effect.

The Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction (Commission), in its report of March 31, 2005 (Chapter 9), stated that "[t]he confused lines of authority over information sharing created by the intelligence reform act should be resolved." To that end, the Commission recommended that "[t]he overlapping authorities of the [Director of National Intelligence (DNI)] and the Program Manager should be reconciled and coordinated -- a result most likely to be achieved by requiring the program manager to report to the DNI."

Consistent with the Constitution and the laws of the United States, including section 103 of the National Security Act of 1947 and sections 1016 and 1018 of IRTPA, and taking appropriate account of the recommendations of the Commission, I hereby direct as follows:

1. The DNI shall promptly designate the PM, and all personnel, funds, and other resources assigned to the PM, as part of the Office of the Director of National Intelligence (ODNI) pursuant to section 103(c)(9) of the National Security Act of 1947 and shall administer the PM and related resources as part of the ODNI throughout the initial 2-year term of the PM's office.
2. During the initial 2-year term of the PM's office, the DNI:
 - (a) shall exercise authority, direction, and control over the PM;
 - (b) shall ensure that the PM carries out the functions of the PM under section 1016 of IRTPA and this memorandum --
 - (i) in a manner that facilitates the effective accomplishment of Federal homeland security, diplomatic, defense, foreign intelligence, and law enforcement functions and that facilitates provision to State, local, and tribal authorities of appropriate access to information they need to perform their homeland security functions; and
 - (ii) consistent with applicable law and Presidential guidance relating to information access, including Executive Orders 13311 and 13356; and
 - (c) shall ensure that the PM has employed by, or assigned or detailed to his office personnel with substantial information sharing experience relating to homeland security, national defense, law enforcement, and State and local governments to the maximum extent possible;

3. Heads of executive departments and agencies shall, to the extent permitted by law and pursuant to section 1016(i) of IRTPA, provide assistance and information to the DNI and the PM in the implementation of this memorandum.
4. This memorandum:
 - (a) shall be implemented in a manner consistent with applicable law, including Federal law protecting the information privacy and other legal rights of Americans, and subject to the availability of appropriations;
 - (b) shall be implemented in a manner consistent with the statutory authority of the principal officers of departments and agencies as heads of their respective departments or agencies;
 - (c) shall not be construed to impair or otherwise affect the functions of the Director of the Office of Management and Budget relating to budget, administrative, and legislative proposals; and
 - (d) is intended only to improve the internal management of the Federal Government and is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity by a party against the United States, its departments, agencies, or entities, its officers, employees, or agencies, or any other person.

A handwritten signature in dark ink, appearing to be "G. 30" or similar, written in a cursive style.